IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.1491 OF 2007

Rameshchandra s/o. Indrapal Sharma .. Petitioner
v/s.
State of Maharashtra and others .. Respondents

Mr. S. Chourasia i/by Mr. A.M. Saraogi for the petitioner.
Mr. A.H. Palekar, Assistant Government Pleader for the respondent No.1.
Ms. Kiran Bagalia for the respondent No.2.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.

DATED : 2ND APRIL, 2007

P.C.

The petitioner claims that he was residing in the part of the premises and therefore, he should be given alternative accommodation. The petitioner has annexed the document Exhibit `K1' to this petition. That document is dated 3rd December, 1981 which clearly shows that the petitioner herein has surrendered his rights in favour of the respondent No.3. The learned counsel, however, relies on the another writing of 17.7.1985 in which respondent No.3 has accepted the petitioner as joint owner whereby the ground floor was for the respondent No.3 and the upper floor to the petitioner. The fact remains about the claim as of joint ownership. The claim by the petitioner for independent premises has been rejected. Considering the fact that the structure is one, in our opinion,

the order passed does not suffer from any illegality.

With the above observation, petition is rejected.

(F.I. REBELLO, J.)

(R.M. SAVANT, J.)